

*United States Court of Appeals for the Tenth Circuit*

**JANUARY 2004 SESSION**

**DENVER, COLORADO**

**MONDAY, JANUARY 12, 2004**

**COURTROOM I**

**Kelly, Hartz & Cassell**

**1:00 p.m.**

03-1101	CO	Jacqueline Block, Appellant v. Kwal-Howells, Inc., a Colorado corporation
03-1059	CO	Edward L. Rivera, Appellant v. City and County of Denver, etc.
02-1405	CO	Michael Mason Donohue, et al., Appellants v. Gerald Hoey, etc., et al.
02-1483	CO	Eladio Rodriguez, etc., et al., Appellants v. Whiting Farms, Inc., et al.
02-9551	FAA	Teresa Zoltanski, Petitioner v. Federal Aviation Administration

**MONDAY, JANUARY 12, 2004**

**COURTROOM II**

**Seymour, Henry & McConnell**

**1:00 p.m.**

02-9541) 02-9542)	FERC	Symbiotics, LLC, Petitioner v. Federal Energy Regulatory Commission; Idaho Rivers United, Intervenor <b>(Submitted on the Briefs)</b>
03-9509	INS	Alexandre Efimov, Petitioner v. John Ashcroft, Attorney General of the United States <b>(Submitted on the Briefs)</b>
03-3114	KS	In re Michael Charles Schicke, Debtor; Chanute Production Credit Association, Appellant v. Michael Charles Schicke
03-3068	KS	Delilah Stahl, Appellant v. Board of County Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas
02-8096	WY	High County Home Health, Inc., Appellant v. Donna E. Shalala, Secretary of U.S. Dept. of Health and Human Services, et al.

**MONDAY, JANUARY 12, 2004**

**COURTROOM III**

**Ebel, McKay & Lucero**

**1:00 p.m.**

02-3262	KS	David Burton v. R. J. Reynolds Tobacco Company, Appellant
02-3345	KS	103 Investors I, L.P., Appellant v. Square D. Company
03-8012	WY	Don C. Kennard, et al., Appellants v. Comstock Resources, Inc., et al.; United States of America, et al., Amici Curiae <b>(20 minutes per side; Amici may argue with any time ceded by parties)</b>
02-8108	WY	United States ex rel Jack J. Grynberg, Appellant v. Koch Gateway Pipeline Company, et al., United States of America, Amicus Curiae
02-2314	NM	Karim Salehpoor, Appellant v. Mohsen Shahinpoor. et al.
03-5035	NOK	Don Quarles, etc., et al., Appellants v. Bureau of Indian Affairs, et al.

**TUESDAY, JANUARY 13, 2004**

**COURTROOM I**

**Tacha, Ebel & Hartz**

**9:00 a.m.**

02-5213	NOK	United States of America v. William Sherman Ray, Appellant* ( <b>Video Argument</b> )
02-5208	NOK	United States of America v. Stephen Ramont Hardridge, Appellant* ( <b>Video Argument</b> )
02-5206	NOK	United States of America v. Timothy John Vaughn, a/k/a Booty Green, etc., Appellant* ( <b>Video Argument</b> )
03-5043	NOK	United States of America v. Kenneth Wayne Stiger, a/k/a Stacks, Appellant* ( <b>Video Argument</b> )
02-5211	NOK	United States of America v. Marlin James Mack, Appellant* ( <b>Video Argument</b> ) **

\*Counsel will present argument via video conferencing at Tulsa, Oklahoma site.

\*\*Counsel for appellant in 02-5211 is local, and will appear in Denver for argument.

**TUESDAY, JANUARY 13, 2004**

**COURTROOM II**

**Kelly, McWilliams & Briscoe**

**9:00 a.m.**

03-4105	UT	United States of America v. Michael Wayne Ellis, Appellant
03-4119	UT	United States of America v. Dale Parker, Appellant <b>(Submitted on the Briefs)</b>
03-4084	UT	United States of America v. Roberto Ramirez, a/k/a Robert Rodriguez, etc., Appellant <b>(Submitted on the Briefs)</b>
03-4136	UT	United States of America v. Joel Criollo-Casteneda, Appellant
03-4074	UT	United States of America v. Jack Neil Colonna, Appellant

**TUESDAY, JANUARY 13, 2004**

**COURTROOM III**

**Murphy, Holloway & McConnell**

**9:00 a.m.**

03-8019	WY	Paul David Brown, III, Appellant v. Judy Uphoff, Wyoming Department of Corrections Director, etc., et al.
03-2144	NM	United States of America v. Bernardo Rodriguez, Appellant
03-2137	NM	United States of America v. Jesus Falls, Appellant
03-2088	NM	United States of America v. Bernie Banuelos, Appellant
03-2022	NM	United States of America v. Ruben Louis Ruiz, Appellant

**TUESDAY, JANUARY 13, 2004**

**COURTROOM IV**

**Seymour, Lucero & Cassell**

**9:00 a.m.**

01-2378	NM	United States of America v. Filaberto Dias-Ramos, Appellant
03-7047	EOK	United States of America v. Rosendo DeJesus Acuna-Navarro, Appellant
02-6261	WOK	Adrian Darryle Gipson v. Lenora Jordan, Warden, Appellant

**WEDNESDAY, JANUARY 14, 2004**

**COURTROOM I**

**Henry, Briscoe & McConnell**

**9:00 a.m.**

03-4031	UT	D. L. S., Appellant v. State of Utah, et al.
02-4241	UT	Keith T. Mercer, Appellant v. Jeffrey Krug
03-3050	KS	Samuel Garcia, Sr., et al., Appellants v. International Elevator Company, Inc.
02-3220	KS	Kathy A. Welch v. UNUM Life Insurance Company of America, Appellant
03-4115	UT	Bell Helicopter Textron, Inc., Appellant v. Heliqwest International, Ltd, et al.



**WEDNESDAY, JANUARY 14, 2004**

**COURTROOM II**

**Ebel, Anderson & Hartz**

**9:00 a.m.**

02-9555	INS	David Wiransane. Petitioner v. John Ashcroft, Attorney General of the United States; American Immigration Law Foundation, Amicus Curiae
02-9574	INS	Oleg Sviridov, Petitioner v. John Ashcroft
03-1181	CO	Adelfo Berrum-Garcia, Appellant v. Michael Comfort, District Director, INS, etc., et al.

**WEDNESDAY, JANUARY 14, 2004**

**COURTROOM III**

**Tacha, McKay & Tymkovich**

**9:00 a.m.**

03-6071) 03-6086)	WOK	Tony Bartee, Appellant v. Michelin North America, Inc., a New York corporation ( <b>Cross-Appeals</b> )
03-6079	WOK	National American Insurance Company v. SCOR Reinsurance Company, Appellant
03-6014	WOK	Kim Powers, et al., Appellants v. Joe Harris, etc., et al.; Claremont Institute Center for Constitutional Jurisprudence, et al.. Amici Curiae
03-6088	WOK	National America Insurance Company, an Oklahoma Corporation, Appellant v. American Re-insurance Company
03-5086	NOK	Roy C. Johnson, et al. v. Lodge #93 of the Fraternal Order of Police, Appellant

**WEDNESDAY, JANUARY 14, 2004**

**COURTROOM IV**

**Kelly, Lucero & O'Brien**

**9:00 a.m.**

02-6110) 02-6178)	WOK	In re Pre-Paid Securities, Inc.; Jon McNamara, et al., Appellants v. Pre-paid Legal Services, Inc., et al.
03-6047	WOK	Nicolette M. Gonzalez, Appellant v. United States Air Force
03-6067	WOK	Star Fuel Marts, LLC v. Sam's East Inc., Appellant
03-6058	WOK	Andrea L. Beaver, Appellants v. Michael Clingman, et al.
02-3267	KS	Marion D. Mandeville v. Quinstar Corporation, Appellant

**THURSDAY, JANUARY 15, 2004**

**COURTROOM I**

**Seymour, Briscoe & Payne**

**9:00 a.m.**

02-2048	NM	Juana M. Martin, etc., et al., Appellants v. Franklin Capital Corporation, a Utah corporation
03-1209	CO	Eugene Elliot v. Turner Construction Company, etc., et al., Appellants
03-1010	CO	Thomas P. Moore, M.D., Appellant v. Randy Middlebrook, et al.
03-1070	CO	Conail Cross, Appellant v. Home Depot
02-8029	WY	Robert Matthew Vialpando, etc., Appellant v. Cooper Cameron Corporation, etc.

**THURSDAY, JANUARY 15, 2004**

**COURTROOM II**

**Tacha, Baldock & McConnell**

**8:00 a.m.**

02-1536      CO      Colorado Off Highway Vehicle Coalition, Appellant v. United States Forest Service, et al.; Wilderness Society, et al., Intervenor  
(Submitted on the Briefs)

**Lucero, Baldock & Tymkovich**

**9:00 a.m.**

03-2120      NM      Gilbert Salguero, Appellant v. City of Clovis

02-2350      NM      In re Wesley Allen Myers, et al., Debtors; United States of America, on behalf of the Department of Agriculture Farm Services Agency ("FSA"), Appellant v. Wesley Allen Myers, et al.

03-1069      CO      Aguedo Merbin Garcia-Martinez, Appellant v. City and County of Denver, et al.

03-5124      NOK      James R. Millsap, et al. v. McDonnell Douglas Corporation, Appellant; Elaine L. Chao, etc., et al., Amici

**THURSDAY, JANUARY 15, 2004**

**COURTROOM III**

**Ebel, Anderson & Murphy**

**9:00 a.m.**

03-8034	WY	Greater Yellowstone Coalition, et al., Appellants v. Robert B. Flowers, Commander and Chief of Engineers, U.S. Army Corps of Engineers, etc., et al.; Snake River Fund, Plaintiff-Intervenor
02-9569	NLRB	National Labor Relations Board, Petitioner v. CHS Community Health Systems, Inc., etc. ( <b>Submitted on the Briefs</b> )
02-7040	EOK	John Alton Woodruff v. Central Oklahoma American Indian Health Council, Inc., etc., et al., Appellants; United States of America, Defendant-Appellee
02-7051	EOK	John Alton Woodruff v. C. Thomas Covington, M.D., Appellant; United States of America, Defendant-Appellee
03-6013	WOK	Brooke Keirse, etc., Plaintiff; Banner Life Insurance Company, etc., Appellant v. Gene Imke, et al., etc.

***THURSDAY, JANUARY 15, 2004***

**COURTROOM IV**

**Henry, Holloway & O'Brien**

**9:00 a.m.**

03-5101	NOK	Jim Foster, et al., Appellants v. Ruhrpumpen, Inc., etc.
03-5052	NOK	Peggy I. Allison, Appellant v. UNUM Life Insurance Company of America
03-2001) 03-2017)	NM	Marsha K. Hardeman v. City of Albuquerque, et al., Appellants (Cross-Appeals)
03-2068	NM	Schwartz and Hays, a New Mexico general partnership, Appellant v. Kay Hafen, et al.

**FRIDAY, JANUARY 16, 2004**

**COURTROOM 1**

**Tymkovich, McWilliams & Payne**

**8:30 a.m.**

03-2090	NM	United States of America v. Jimmy Alex Barela., Jr., Appellant
03-2095	NM	United States of America v. Carlos Carrasco, Appellant
03-2153	NM	United States of America, Appellant v. Raymond Johnson
03-1199	CO	United States of America, Appellant v. Vincente Miramonted, a/k/a Vicente Miramontes
03-2076) 03-2093)	NM	United States of America v. Esequiel Salazar Saminega, Appellant ( <b>Cross-Appeals</b> )



**FRIDAY, JANUARY 16, 2004**

**COURTROOM II**

**Henry, Baldock & Hartz**

**8:30 a.m.**

03-5096	NOK	United States of America v. Tim Foreman, Appellant <b>(Submitted on the Briefs)</b>
03-5114	NOK	United States of America v. William Allen Turner, Appellant <b>(Submitted on the Briefs)</b>
03-5076	NOK	United States of America v. Mauro Adrian Garcia, Appellant <b>(Submitted on the Briefs)</b>
02-5190	NOK	United States of America v. Andre Terrell Rowland, Appellant <b>(Submitted on the Briefs)</b>
03-5115	NOK	United States of America v. Stuart Palmer, Appellant <b>(Submitted on the Briefs)</b>

**FRIDAY, JANUARY 16, 2004**

**COURTROOM III**

**Murphy, Anderson & McConnell**

**8:30 a.m.**

03-3086	KS	United States of America v. Willie C. Maxie, Jr., Appellant <b>(Submitted on the Briefs)</b>
03-3132	KS	United States of America v. James Riccardi, Appellant
02-3322	KS	United States of America v. Keith V. Weathersby, Appellant
03-3161	KS	United States of America v. Robert Cota-Meza, Appellant